

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRENDA MATLOCK,

Plaintiff,

v.

CAFN: 1:22-cv-02249-JPB

TRIGO EXPRESS, LLC, TAN TRAN
and UNITED FINANCIAL
CASUALTY COMPANY,

Defendants,

EMERGENCY MOTION FOR PROTECTIVE ORDER

Defendants Trigo Express, LLC and Tan Tran, by and through undersigned counsel, pursuant to Local Rule 7.2(B) respectfully move the Court for a protective order rescheduling the depositions of Defendants Trigo Express, LLC and Tan Tran. In support of this Motion, Defendants show the Court as follows:

1.

The Court entered an Amended Scheduling Order setting the expiration of discovery for June 6, 2023.

2.

Upon agreement of counsel, Plaintiff and Defendants scheduled the depositions of Defendants Tan Tran and Trigo Express, LLC to occur on Friday, February 24, 2023 in Anaheim, California.

3.

On Monday February 20, 2023, Defendant Tan Tran (who, as owner-operator of the now defunct Trigo Express, LLC, was set to serve as Defendant Trigo Express, LLC's sole 30(b)(6) representative) informed undersigned counsel that he was experiencing a lower-back injury that would prevent him from physically sitting for the above-referenced depositions.

4.

Defendant Tan Tran visited a physician on Tuesday, February 21, 2023, for this injury. Mr. Tran's physician instructed him to avoid sitting for longer than five-minute intervals until at least March 8, 2023. (*See* Medical Record of Tan Tran from Dr. John Tin, dated February 21, 2023, attached here as **Exhibit A**). Mr. Tran was also prescribed medication to relieve the nerve pain associated with this injury.

5.

As a result of Mr. Tran's inability to sit for extended periods of time, counsel for Defendants requested that the depositions be rescheduled on a mutually agreed

upon date between March 8 and 31, 2023. Counsel for Plaintiff did not consent to rescheduling the depositions¹. (See E-mail Correspondence between Benjamin P. Ralston and Joseph Weeks, attached here as **Exhibit B**).

6.

Defendants should be entitled to have the depositions completed on a date when they are physically capable of sitting for the depositions without pain and discomfort and are also unencumbered by medication for this pain.

7.

Further, as a result of the injury and related pain, Mr. Tran has been unable to adequately prepare for the rigors of a 30(b)(6) deposition and the since-dissolved Trigo Express, LLC has no other alternative representatives.

8.

Although counsel for Plaintiff might incur losses for certain travel expenses, the prejudice on Defendants in the underlying case should the depositions go forward as scheduled would far outweigh the inconvenience on Plaintiff.

¹ Pursuant to Standing Order Regarding Civil Litigation for Cases Proceeding Before the Honorable J.P. Boulee, the parties conferred via telephone at 10:30 a.m. EST on Wednesday February 22, 2023. Unfortunately, the parties were unable to come to an agreement on rescheduling the depositions.

WHEREFORE, Defendants request the Court grant their Emergency Motion for a Protective Order and issue a protective order with respect to the depositions of Defendants that are currently scheduled for February 24, 2023 and order that the depositions be rescheduled for a mutually agreeable date between March 8-31, 2023.

This 22nd day of February, 2023.

/s/ Benjamin P. Ralston

Benjamin P. Ralston

Georgia Bar No. 318489

Trevor P. Newberry

Georgia Bar No. 705960

OakBridge Law Group

285 West Wieuca Road NE

Suite 5548

Atlanta, Georgia 30342

bralston@oakbridgelaw.com

tnewberry@oakbridgelaw.com

Attorneys for Defendants Trigo

Express, LLC, Tan Tran and

United Financial Casualty

Company

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRENDA MATLOCK,

Plaintiff,

v.

CAFN: 1:22-cv-02249-JPB

TRIGO EXPRESS, LLC, TAN TRAN
and UNITED FINANCIAL
CASUALTY COMPANY,

Defendants,

CERTIFICATE OF SERVICE PURSUANT TO RULE 5(b)(2)(E)

This is to certify that I have this day served a copy of the within and foregoing EMERGENCY MOTION FOR PROTECTIVE ORDER upon all parties of record in this action by filing it with the court's electronic-filing system which will automatically email a copy of said pleading to each registered user, as follows:

Joseph W. Weeks, Esq.
McNally Weeks
125 Clairemont Ave.
Suite 450
Decatur, GA 30030-2560
jweeks@mcnallyweeks.com

This 22nd day of February, 2023.

OAK BRIDGE LAW GROUP
285 WEST WIEUCA ROAD NE
UNIT 5548

/s/ Benjamin P. Ralston
BENJAMIN P. RALSTON
GA. BAR NO. 918489

ATLANTA, GEORGIA 30342

BRALSTON@OAKBRIDGELAW.COM

TREVOR P. NEWBERRY

GA. BAR No. 705960

TNEWBERRY@OAKBRIDGELAW.COM

*Counsel for Defendants Trigo Express,
LLC, Tan Tran and United Financial
Casualty Company*

EXHIBIT A



TIN, JOHN KYAWMYO (M.D.)

Patient Name: Tran, Tan D

Encounter Date & Time: 2/21/2023 11:30 AM

Please see below for this health care provider's directives and information relating to this encounter.

Work Status Report

Date onset of condition: 2/21/2023

Next Appointment Date:

Modified Activity (Applies to work and home)

This patient is placed on modified activity at work and at home from 2/21/2023 through 3/7/2023.

If modified activity is not accommodated by the employer then this patient is considered temporarily and totally disabled from their regular work for the designated time and a separate off work order is not required.

This patient's activity is modified as follows:

- Stand: Occasionally (up to 25% of shift).
- Walk: Occasionally (up to 25% of shift).
- Bend at the waist: Occasionally (up to 25% of shift).
- Torso/spine twist: Not at all.
- Climb ladders: Not at all.
- Use of scaffolds/work at height: Not at all.
- Lift/carry/push/pull no more than 5 pounds.

Other needs and/or restrictions:

Please avoid prolong sitting for longer than 5 minutes at a time.

This form has been electronically signed and authorized by TIN, JOHN KYAWMYO (M.D.)

This form contains your private health information that you may choose to release to another party, therefore please review for accuracy.

EXHIBIT B

From: Joseph Weeks <jweeks@mcnallyweeks.com>
Sent: Tuesday, February 21, 2023 9:11 PM
To: Ben Ralston
Cc: Trevor Newberry; Rocqsanna Malek; Peter Shelton; Saam Ghiaasiaan; Jan Johnstone
Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

My office. 404-373-3131

On Tue, Feb 21, 2023, 9:09 PM Ben Ralston <bralston@oakbridgelaw.com> wrote:

I will call you tomorrow at 10:30. What is best number to reach you?

From: Joseph Weeks <jweeks@mcnallyweeks.com>
Sent: Tuesday, February 21, 2023 9:10 PM
To: Ben Ralston
Cc: Trevor Newberry; Rocqsanna Malek; Peter Shelton; Saam Ghiaasiaan; Jan Johnstone
Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

I would also note that his note indicates that he can work with restrictions. If he can work, he can sit for a deposition.

Joseph

On Tue, Feb 21, 2023, 9:08 PM Joseph Weeks <jweeks@mcnallyweeks.com> wrote:
Ben:

I am glad to speak with you tomorrow. How about 10:30?

However I want to be clear that we are going forward on Friday with the deposition as noticed at this point. Mr. Tran can stand up as much as he needs to during the deposition. His doctor's note makes no restrictions beyond his apparently sitting restrictions.

Joseph

On Tue, Feb 21, 2023, 9:01 PM Ben Ralston <bralston@oakbridgelaw.com> wrote:

Joseph,

I am sorry about the lost travel expenses. If you booked through Delta, you would be able to obtain a credit for use on a future flight even on a nonrefundable ticket.

I've attached the note from Mr. Tran's doctor wherein he instructs Mr. Tran to avoid sitting for longer than 5 minutes at a time. As you will see, Mr. Tran went to the doctor today to seek treatment for this injury and is hoping to move forward with an MRI soon as well.

Are you available tomorrow for a meet and confer on this issue? We are required to do so prior to us filing an emergency motion for protective order. I'm hopeful that we can come to a reasonable agreement on rescheduling so that a motion will not be necessary. Let me know when you are free. If necessary, we would like to file our motion by tomorrow at noon. Thanks.

From: Joseph Weeks <jweeks@mcnallyweeks.com>
Sent: Tuesday, February 21, 2023 8:11 PM
To: Ben Ralston <bralston@oakbridgelaw.com>

Cc: Trevor Newberry <tnewberry@oakbridgelaw.com>; Rocqsanna Malek <rmalek@oakbridgelaw.com>; Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantasladyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>

Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

Ben:

This is unacceptable. I have booked a non refundable plane fare as well as an Airbnb (which may or may not be refundable). I have reached out to you at every stage to attempt to accommodate you and your client. When did this alleged back injury occur? I am willing to take as many breaks as necessary but I must insist on going forward with the deposition as noticed.

Joseph

On Tue, Feb 21, 2023, 7:35 PM Ben Ralston <bralston@oakbridgelaw.com> wrote:

Joseph,

Hope all is well. I just received word from Mr. Tran that he is unable to sit for his depositions on Friday (as the owner/operator of the now defunct Trigo Express, LLC, Mr. Tran was going to serve as the 30(b)(6) representative for the company as well). Mr. Tran suffered a lower back injury that prevents him from sitting for longer than 5 minutes at a time. He is also taking medication for the persistent pain that would impair his ability to adequately prepare for the deposition and subsequently testify. We can provide a doctor's note/documentation regarding the injury if necessary.

The injury has also prevented him from adequately searching for documents responsive to Exhibit B to Plaintiff's 30(b)(6) Deposition Notice. As a result, we believe it is in all parties' best interest to reschedule the depositions. Apologies for the late notice but we were just made aware. I will send new dates this week (looking for dates between March 8th and 31st so please let me know if there are particular dates in this window that are best for you).

Lastly, any updates on dates for depositions of Ms. Matlock and her husband? Thanks.

From: Joseph Weeks <jweeks@mcnallyweeks.com>

Sent: Thursday, January 12, 2023 1:57 PM

To: Ben Ralston <bralston@oakbridgelaw.com>

Cc: Trevor Newberry <tnewberry@oakbridgelaw.com>; Rocqsanna Malek <rmalek@oakbridgelaw.com>; Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantaslawyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>

Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

Ben:

Following up on this. Does February 24th still work for the depositions in California? Do you or your client have a preference as to the location of the deposition?

Thanks,

Joseph

On Fri, Jan 6, 2023 at 12:56 PM Ben Ralston <bralston@oakbridgelaw.com> wrote:

This still works for me and I am verifying the same with Mr. Tran. I will confirm once I hear back. Thanks!

From: Joseph Weeks <jweeks@mcnallyweeks.com>

Sent: Wednesday, January 4, 2023 4:21 PM

To: Ben Ralston <bralston@oakbridgelaw.com>

Cc: Trevor Newberry <tnewberry@oakbridgelaw.com>; Rocqsanna Malek <rmalek@oakbridgelaw.com>; Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantaslawyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>

Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

Ben:

Does February 24th still work for the depositions in California? If so, let's do them that day. If not please advise and I'll look at the other dates. I have placed a call to the Matlocks regarding their depositions and will get back to you shortly with dates.

Thanks,

Joseph

On Tue, Dec 20, 2022 at 12:47 PM Ben Ralston <bralston@oakbridgelaw.com> wrote:

Joseph,

We have not received the signed copy of the proposed Amended Scheduling Order that accompanied our Joint Motion to Extend Discovery. However, the docket appears to reflect that the Order was granted yesterday and discovery has been extended (snippet from docket below).

With that in mind, would you be agreeable with Defendants providing responses/objections to Plaintiff's First Discovery Requests by January 30, 2023? Further, I am available February 20-24 or February 27-March 3 for the depositions in California. Let me know if any of these dates work for you. Also, whenever you're able, let us know some potential dates for depositions of Mr. & Ms. Matlock.

Also, we filed our Consent Orders for Substitution of Counsel today so I dropped Jessica/her office off of this e-mail chain.

From: Joseph Weeks <jweeks@mcnallyweeks.com>

Sent: Friday, December 16, 2022 4:24 PM

To: Ben Ralston <bralston@oakbridgelaw.com>

Cc: Hubbartt, Jessica F. <jhubbartt@csvl.law>; Trevor Newberry <tnewberry@oakbridgelaw.com>; Rocqsanna Malek <rmalek@oakbridgelaw.com>; Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantasladyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>; Nicholson, Bonnie E. <bnicholson@csvl.law>

Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

Ben:

Looks good to me. You may sign my name and file.

Thanks,

Joseph

On Fri, Dec 16, 2022 at 4:16 PM Ben Ralston <bralston@oakbridgelaw.com> wrote:

Joseph – Attached is draft Joint Motion to Extend Discovery and accompanying Amended Scheduling Order. Please let me know if you have any changes. Thanks and have a great weekend.

From: Ben Ralston

Sent: Friday, December 16, 2022 3:46 PM

To: Joseph Weeks <jweeks@mcnallyweeks.com>

Cc: Hubbartt, Jessica F. <jhubbartt@csvg.law>; Trevor Newberry <tnewberry@oakbridgelaw.com>; Rocqsanna Malek <rmalek@oakbridgelaw.com>; Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantaslawyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>; Nicholson, Bonnie E. <bnicholson@csvg.law>

Subject: RE: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

Agreed. I will be sending shortly.

From: Joseph Weeks <jweeks@mcnallyweeks.com>

Sent: Friday, December 16, 2022 3:42 PM

To: Ben Ralston <bralston@oakbridgelaw.com>

Cc: Hubbartt, Jessica F. <jhubbartt@csvg.law>; Trevor Newberry <tnewberry@oakbridgelaw.com>; Rocqsanna Malek <rmalek@oakbridgelaw.com>; Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantaslawyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>; Nicholson, Bonnie E. <bnicholson@csvg.law>

Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

Ben:

What is the status of the Motion to Extend? As discussed earlier this week, we are fine with pushing back the deposition dates and due date for the written discovery responses provided that we are able to obtain an extension from the Judge. However, I think it's important to get something to the Court sooner rather than later.

Thanks,

Joseph

On Tue, Dec 13, 2022 at 7:46 PM Ben Ralston <bralston@oakbridgelaw.com> wrote:

Thanks, Joseph. We will get a draft Motion to Extend Discovery Period over to you soon.

From: Joseph Weeks <jweeks@mcnallyweeks.com>

Sent: Tuesday, December 13, 2022 1:16 PM

To: Ben Ralston <bralston@oakbridgelaw.com>

Cc: Hubbartt, Jessica F. <jhubbartt@csvl.law>; Trevor Newberry <tnewberry@oakbridgelaw.com>; Rocqsanna Malek <rmalek@oakbridgelaw.com>; Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantaslawyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>; Nicholson, Bonnie E. <bnicholson@csvl.law>

Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

Ben:

Nice talking to you this afternoon. Per our discussion, I look forward to receiving the proposed Motion to Extend Discovery Period by the end of this week. As discussed, we are fine with pushing back the deposition dates and due date for the written discovery responses provided that we are able to obtain an extension.

Thanks,

Joseph

On Mon, Dec 12, 2022 at 1:23 PM Ben Ralston <bralston@oakbridgelaw.com> wrote:

Great. We can be reached at 678-371-5112. Thanks.

From: Joseph Weeks <jweeks@mcnallyweeks.com>

Sent: Monday, December 12, 2022 1:07 PM

To: Ben Ralston <bralston@oakbridgelaw.com>

Cc: Hubbartt, Jessica F. <jhubbartt@csvl.law>; Trevor Newberry <tnewberry@oakbridgelaw.com>; Rocqsanna Malek <rmalek@oakbridgelaw.com>; Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantaslawyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>; Nicholson, Bonnie E.

<bnicholson@csvl.law>

Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

Ben:

Tomorrow (Tuesday) at 1 p.m. works for us. We can call you then. What is the best number to reach you?

Thanks,

Joseph

On Sun, Dec 11, 2022 at 10:47 PM Ben Ralston <bralston@oakbridgelaw.com> wrote:

Let's do Tuesday at 1 if that still works for you.

From: Joseph Weeks <jweeks@mcnallyweeks.com>

Sent: Thursday, December 8, 2022 4:51 PM

To: Ben Ralston <bralston@oakbridgelaw.com>

Cc: Hubbartt, Jessica F. <jhubbartt@csvl.law>; Trevor Newberry <tnewberry@oakbridgelaw.com>; Rocqsanna Malek <rmalek@oakbridgelaw.com>; Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantasladyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>; Nicholson, Bonnie E. <bnicholson@csvl.law>

Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

Ben:

How about Monday or Tuesday at 1 or 1:30?

Thanks,

Joseph

On Thu, Dec 8, 2022 at 3:58 PM Ben Ralston <bralston@oakbridgelaw.com> wrote:

Joseph,

We are getting caught up to speed on this file and anticipate filing our formal appearance soon. Do you have time for an introduction call on Monday or Tuesday of next week? Thanks and have a great weekend.

From: Joseph Weeks <jweeks@mcnallyweeks.com>

Sent: Thursday, December 8, 2022 1:06 PM

To: Hubbartt, Jessica F. <jhubbartt@csvl.law>

Cc: Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantasladyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>; Nicholson, Bonnie E. <bnicholson@csvl.law>; Ben Ralston <bralston@oakbridgelaw.com>

Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

Jessica:

Per my emails dated November 29th and December 1st, please find attached deposition notices for a 30(b)(6) of Trigo and the deposition of Defendant Tran. I have noticed the depositions for Monday, January 23, 2023 at the Anaheim Public Library: Central Library, 500 W Broadway, Anaheim, CA 92805. As I indicated in my previous emails, I am glad to move the date, time and location of the deposition to accommodate you and your client. As previously discussed, I do intend to take this deposition in person as opposed to via zoom. I understand that the holidays are upcoming, but I would like an agreement on dates in the next few weeks if possible so that travel arrangements can be made. Additionally, I would like to schedule our conference required by Rule 30(b)(6) regarding topics as soon as possible.

I have cc'd Benjamin Ralston at the Oak Bridge Law Group who you indicated would be new counsel on this matter for Defendants.

Thanks,

Joseph Weeks

On Thu, Dec 1, 2022 at 4:57 PM Hubbartt, Jessica F. <jhubbartt@csvl.law> wrote:

It looks like the new counsel is going to be Benjamin Ralston at the Oak Bridge Law Group.

Kind regards,

Jessica F. Hubbartt
Of Counsel

d: 404.221.2211 | f: 404.523.2345

jhubbartt@csvg.law | www.csvl.law

191 Peachtree Street NE, Suite 3600 Atlanta, GA 30303

Please note our new firm name and new email address: jhubbartt@csvg.law

From: Joseph Weeks <jweeks@mcnallyweeks.com>

Sent: Thursday, December 1, 2022 4:31 PM

To: Hubbartt, Jessica F. <jhubbartt@csvg.law>

Cc: Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantasladyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>; Nicholson, Bonnie E. <bnicholson@csvg.law>

Subject: Re: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

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Jessica:

Thanks for the update. As I indicated in my email from Tuesday, I was preparing written discovery responses this week. I have now served those requests. If you or your client's new counsel need more time to respond, please let me know.

I am also going to go ahead and notice the 30(b)(6) of Trigo and the deposition of Defendant Tran for a date in January with the understanding that the date can be moved to a more convenient date for your client and you or your client's new counsel. I am planning to take the deposition in person as opposed to over zoom. I understand your clients were located in Orange County, California at the time of service, so I am assuming this is where we will take the deposition.

It is my goal to work with you and your client's new counsel on this matter. However, discovery expires in March and I am doubtful if the Court will grant us a further extension since this matter was assigned to an eight month discovery track.

Thanks,

Joseph

On Thu, Dec 1, 2022 at 1:21 PM Hubbartt, Jessica F. <jhubbartt@csvl.law> wrote:

Good afternoon Joseph,

I have just learned that this matter is going to be transferred to another law firm. I do not know which one at this time. I'll provide you with their information as soon as I know.

Kind regards,

Jessica F. Hubbartt
Of Counsel

d: 404.221.2211 | f: 404.523.2345

jhubbartt@csvl.law | www.csvl.law

191 Peachtree Street NE, Suite 3600 Atlanta, GA 30303

Please note our new firm name and new email address: jhubbartt@csvl.law

From: Joseph Weeks <jweeks@mcnallyweeks.com>

Sent: Tuesday, November 29, 2022 10:47 AM

To: jcollins@m-legal.com; Hubbartt, Jessica F. <jhubbartt@csvl.law>; Nicholson, Bonnie E. <bnicholson@csvl.law>

Cc: Peter Shelton <pshelton@mcnallyweeks.com>; Saam Ghiaasiaan <saam@atlantaslawyer.com>; Jan Johnstone <jjohnstone@mcnallyweeks.com>

Subject: Matlock v. Trigo Express, LLC- 1:22-cv-02249-JPB

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Jessica:

Now that we have the parties squared away in this one, I do need to get a 30(b)(6) of Trigo scheduled. I will also be sending written discovery requests this week. My topics for the 30(b)(6) will be the following:

1. All Safety Ratings issued to Defendant Trigo Express by FMCSA or any federal government agency for the five (5) years preceding the subject incident.
2. The reason for every "Conditional" or "Unsatisfactory" Safety Rating, if any, issued to Defendant Trigo Express by FMCSA or any federal government agency for the five (5) years preceding the subject incident, including any supporting documentation reflecting the reason(s) for said Rating(s).
3. Contents of all performance and safety reviews of Defendant Trigo Express, whether issued by DOT, a State agency, or any other regulatory agency, for the ten (10) years prior to the subject incident.
4. Any documents relied upon by DOT, a State agency, or any other regulatory agency in the course of any onsite examination of motor carrier operations as it relates to Defendant Trigo Express, include all documentation relative to compliance review(s) and/or safety review(s).
5. Contents of all documents in Defendant Trigo Express's possession on the date of the subject incident, reflecting Defendant's compliance with 49 C.F.R. § 385 ("Safety Fitness Procedures")
6. All incidents appearing on the accident register maintained by Defendant Trigo Express as required in 49 CFR 390.15(b), including the motor vehicle collision involving Plaintiff and all accidents three (3) years prior to the date of the subject incident.
7. Contents of all written instructions, orders, or guidance provided to Defendant Tan Tran by Defendant Trigo Express in reference to cargo transported, the date on which the trip started, the date on which the trip was scheduled to conclude, routes to travel, locations to purchase fuel, and cargo pickup/delivery times for Defendant Tran's trip which includes the date of the subject incident.
8. Driver's licenses and truck driver certifications which Defendant Tan Tran possesses (currently) and licenses/certifications possessed on the date of the subject incident.
8. All training material and employee manuals provided to Defendant Tran (or to any of its drivers) by Defendant Trigo Express at any time from the date Defendant Tran was hired up to and including the date of the subject incident.
9. Any employee handbook for Defendant Trigo Express that was in effect at the time of the subject incident.
10. The nature of the job or trip that Defendant Trigo Express, by and through its employee Defendant Tan Tran, was performing at the time of the subject incident, including the name of the corporate entity on whose behalf the job or trip was being performed.
11. Contents of any contracts or agreements entered into by Defendant Trigo Express and Defendant Tran

(or any of its drivers) at any time from the date Defendant Tran was hired up to and including the date of the subject incident.

12. All company policies and procedures employed by Defendant Trigo Express that were in effect on the date of the subject incident with regard to Defendant's safety protocols, sleep and rest requirements, driver employment standards and hiring requirements, driver safety guidelines, truck safety operating procedures, vehicle inspection requirements, truck specification requirements for Defendant's fleet, schedule of vehicle maintenance, fuel and other trip expense reimbursements to drivers, driver performance evaluations, schedule of driver compensation, and the types of bonuses paid to drivers including the criteria according to which they are awarded.

13. Contents of all incident reports, police reports, and investigation reports regarding the subject incident, including but not limited to all correspondence and communications to or from Defendant Trigo which reflect or relate to any investigation of the subject incident, as well as reports sent to or received from any federal, state or local regulatory agency pertaining to the subject incident.

14. All policies and procedures, including any written material reflecting said policies and procedures, that Defendant Trigo Express followed during its regular course of business as a result of the subject incident.

15. All documents produced by Defendant Trigo Express in Defendant's discovery responses and/or pursuant to any subpoena requests.

Please let me know if you have an issue with any of these topics when you get a chance. I possibly may have a couple more topics, but if so, I will get them to you as soon as possible.

I am planning to take the deposition in person as opposed to over zoom. I understand your client was located in Orange County, California at the time of service, so I am assuming this is where we will take the deposition.

Discovery is set to close in March. I would like to get this scheduled for a date in January.

Thanks,

Joseph

--

Joseph W. Weeks
Attorney at Law
McNally Weeks

PLEASE NOTE OUR NEW ADDRESS:

125 Clairemont Ave.
Suite 450
Decatur, Georgia 30030

[404-373-3131](tel:404-373-3131) phone
[404-373-7286](tel:404-373-7286) fax

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--

Joseph W. Weeks
Attorney at Law
McNally Weeks

PLEASE NOTE OUR NEW ADDRESS:

125 Clairemont Ave.
Suite 450
Decatur, Georgia 30030
[404-373-3131](tel:404-373-3131) phone
[404-373-7286](tel:404-373-7286) fax

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